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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/045,633

10/26/2001

Cheryl L. Neofytides

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EXAMINER

DASS, HARISH T

ART UNIT

PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/045,633

Applicant(s)

NEOFYTIDES ET AL.

Examiner

Harish T. Dass

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 and 28-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) 1-17 and 28-31 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input checked="" type="checkbox"/> Other: _____                                     |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/11/05, 11/17/03, 2/14/03, 3/26/02, 1/23/06.

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-17 are drawn a method for transferring credit from a sender to a plurality of recipients includes a unique identifier for each of the plurality of recipients and a credit amount, classified in class 705, subclass 40.
  - II. Claims 18-27 are drawn a method for transferring credit from a sender to a plurality of recipients wherein at least two of the plurality of credit amounts are different amounts, and the sum of a plurality of credit amounts is an aggregate credit amount, classified in class 705, subclass 40
- II. Claims 28-31, are drawn to storing and indexing (database), classified in class 705 subclass 64.

The inventions are distinct, each from the other because of the following reasons:

Inventions of group I and group II are related as combination and subcombination,

Inventions of group III and group II are related as combination and subcombination,

Inventions of group I and group III are related as combination and subcombination,

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because I is directed to risk management optimization, and invention

II is directed to computer performing metadata mapping. The subcombination has separate utility such as integrating data.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

During a telephone conversation with Attorney Thomas Franklin (Reg. No. 43,616) on 03/06/2007 a provisional election was made with traverse to prosecute the invention of Group II (claims 18-27). Affirmation of this election must be made by applicant in replying to this Office action. Group I (Claims 1-17) and Group III (28-31) are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. Particularly, "of the one ", see "receiving a trigger condition for a stored value fund of the one; and automatically transferring credit from the stored value fund of the first user when the trigger condition is satisfied." is not clear. A limitation, or a step is or may be missing.

Claims 18-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 recites the limitation "the internet" in 2, "the sum" in line 8. There is insufficient antecedent basis for these limitation in the claim 18.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 recites the limitation "the first listed receiving step" in 2. There is insufficient antecedent basis for this limitation in the claims 18 through 21.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang et al. (hereinafter Change – US 5,884,288, 3/16/1999).

Re. Claim 18, Change discloses receiving at a server computer system information from a sender to transfer credit to a plurality of recipients [see entire document particularly, col. 2 lines 38-42, lines 59-62], wherein:

the information includes a plurality of credit amounts for the plurality of recipients wherein at least two of the plurality of credit amounts are different amounts, and the sum of a plurality of credit amounts is an aggregate credit amount [Figure 8B; col. 1 lines 18-40; col. 4 lines 13-24];

determining a first handler chosen by the sender [col. 3 lines 57-67 - payor bank];  
requesting credit transfer from the first handler [col. 4 lines 43-51 - instruction];  
receiving at the server computer system the aggregate credit amount from the first handler [col. 1 lines 30-40];

determining a plurality of second handlers respectively chosen by the plurality of recipients [col. 1 lines 18-40 - see third party];

and sending the plurality of credit amounts to the plurality of second handlers [col. 1 lines 18-40].

Re. Claims 19-20, Change discloses a step of providing electronic notification from the server computer system to the plurality of recipients, and wherein the electronic notification includes at least one of a page, an instant message, an e-mail message, and a web page [col. 2 lines 59-67].

Re. Claim 21, Change discloses wherein the first listed receiving step comprises receiving a file comprising the information [Abstract; col. 2 lines 45-48 – see electronic deposit].

Re. Claim 22, Change discloses wherein the first and second handlers include at least one of a bank, a credit card company, a debit card company, an agent location, a stored value fund, an airline mileage program, a gift certificate issuer, an electronic gift certificate issuer, and a money order issuer [col. 4 lines 13-25 – see payor and payee banks].

Re. Claim 23, Change discloses wherein the sending step comprises at least one of the following steps: sending a credit amount to a bank account of one of the plurality of recipients; sending the credit amount to a credit card or debit card of the one; sending the credit amount as a check or money order to the one; sending the credit amount to a stored value fund of the one; sending the credit amount to an agent location chosen by the one; sending a telegram or greeting card with a check or money order to the one; and sending an electronic greeting card to the one with an electronic payment notification embedded therewith [col. 1 lines 30-48].



Re. Claim 24, Change inherently discloses triggering condition for transferring funds from recipient's account where triggering condition satisfies [see col. 4 lines 43-51 – bill payment instructions].

Re. Claim 25, Change discloses receiving a request for a credit transfer; evaluating the request against a defined parameter; and performing the credit transfer from a stored value fund so long as the request is within the defined parameter [col. 7 lines 19-33].

Re. Claim 26, Change discloses delaying the sending step until a future time specified by the sender [col. 4 lines 46-51 – “the manner”, and hold].

Re. Claim 27, Change discloses a computer-readable medium having computer-executable instructions for performing the computer-implementable method for transferring credit from the sender to the plurality of recipients using the wide-area computer network [col. 10 lines 50-56].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass  
Examiner  
Art Unit 3693

*Harish T Dass*

3/19/07